PROSECUTOR REFUSES TO SAY FOR WHAT REASON.

ks Dead Woman's Husband May Still Be Alive and Near By-More Persons Identify Her Body-Detectives Find

Just at the hour when the Rev. John F. ern of the Orange Presbyterian Church at Gustav Kunz's undertaking hop in East Orange, N. J., yesterday norning to conduct the funeral services body of Mrs. Ocey W. M. Snead, body was found in her bathtub in hat place a week ago last Monday, an came from Chief of Police Bell of range indefinitely postponing the burial the woman's body. Though every arent had been made by the Proser of Essex county for the burial serand the removal of Mrs. Spead's body ant Hope Cemetery in Westcheste ty, where a grave had been prepared ret child, this order stopped the final tes, and the body of the young woman med by any relative, still lies in the mange morgue.

this sudden halting of the Though the insurance comparested in the case had given their t to the burial of the body and meelf given the order for the funeral. wo developments that came yesterday nent of the burial. One of the contents of a letter which as received by the Jersey officials from nt of Murfreesboro, Tenn., and responsible for the young woman's The second cause for the holding of the funeral was the refusal of County ian William H. McKenzie to specify leath certificate delivered to Under-Kunz anything beyond that "the

writer of the letter received tor Mott and by him turned over ounty detectives said that before or marriage to Fletcher W. Snead Ocey w Martin had lived with Miss Vir-Wardlaw, Mrs. Martin, her mother nd Mrs. Mary Snead, the mother of her uture busband, in Murfreesboro. The then in her teens, was believed time to be under some strange spell, rding to the writer of this letter, and was kept a prisoner close to the house of the time. She was never allowed as treeta unless she was accompanied y one of the elderly women. Before the Vardiews moved away from Murfrees oro, said this informant, one of then oft a package at the express office which never called for. When this package ne later opened it was found to contain orphine. Subsequently the police arched the Murfreestoro house of myspolice ary and discovered other evidences that one or more of its occupants had ome one of the drug.

It was believed yesterday that the resipt of this letter had had some influence the sudden turn of affairs and that tents may have some bearing upon e action of the County Physician in re ng to assign drowning as the cause of ad's death. With Dr. Simmor had agreed after the autopsy, which as held early last week, that drowning ad caused Mrs. Snead's death.

The Prosecutor said that the funera was held up "under certain contingencies" and that the alleged lack of identification had to do with his reasons in causing the postponement of the burial. Mr. Mott said that the uncertainty was in part due to the attitude of Mrs. Martin, the mother of Mrs. Snead. He said he the mother of Mrs. Snead. He said he could not understand why she has per-sistently refused to come forward. He said further that he believes that Mrs. Snead's husband was alive two months

A conference was held at the court house in Newark yesterday between Prosecutor Mott and Franklin W. Fort, counsel for Miss Virginia Wardiaw, who is that ged with the murder of Mrs. Snead: but what took place neither Mr. Fort nor the Prosecutor would say. In a statement he made the day before Mr. Fort aid that he had facts in his possession which would not only prove the innocence of Miss Wardlaw but would explain the so-called eccentricities of the family, and that when the information was laid before the Prosecutor the latter would drep the case. Mr. Fort intimated that the purpose of his visit was to submit these facts.

After Mr. Fort had left the court house Mr. Fort had left the court house

Prosecutor summoned Detective geants Godfrey and Hargan of his and Detectives O'Neill and Riker of Sergeants Godfrey and Hargan of his star and Detectives O'Neill and Riker of East Orange. Shortly afterward Hargan and O'Neill went to New York and returned with an elderly woman who identified the body as a former Miss Martin. The identity of this woman could not be learned, but it was said that she was a teacher of Mrs. Snead in the South Detectives Godfrey and Riker went to the Brooklyn Police headquarters half an hour after Hargan and O'Neill went to New York, but the object of their mission could not be learned. Capt. Coughlan, who is in charge of the Brooklyn detective bureau, has offered the services of his force to Chief Bell.

Three more persons visited the morgue in Grange yesterday and identified the body as that of Mrs. Snead. They were Dr. M. Royal Whitenacn of 19 Bathgate place, Newark; Dr. Charles E. Teeter of 418 Orange street, Newark, and Charles Jacobs, a salesman in a New York clothing store. Jacobs witnessed a will for an aldesty worker, and a volumer commencies.

store. Jacobs witnessed a will for an elderly woman and a younger companion whose name was given as Snead on March 11 last in the clothing store. Dr. Whitenach said that Mrs. Snead and another nach said that Mrs. Snead and another woman called at his office on November 15 and asked his advice as to whether a part they proposed to live in would be beneficial to the health of Mrs. Snead, who, they said, was not well. He said that he examined her and found her health to be fair.

fair.

of the belongings of the four
y companions of Mrs. Snead apl yesterday as unexpectedly as the
of papers and clothes from the
avenue drug store had done last
Mrs. Evelyn Cook of 250 Martens
Brookbar got in touch with Cast street. Brooklyn, got in touch with Capt. Coughlin of Brooklyn headquarters and notified him that she had three satchels in her possession which had been left in her house by one of the quartet of Ward-

The captain had detectives bring the three satchels to Headquarters and there before they were sent to Orange he took a cursory glance at their contents. They were filled with papers and letters, photographs and memoranda. One of the graphs and memoranda. One of the papers, written in an indistinct hand and with lead pencil, appeared to be with lead pencil, appeared to be the draft of another will, the seventh of such instruments of Mrs. Snead's that have come to light in the ten days of investigation. Capt. Coughlin did not give out any Capt. Coughlin did not give out any further details concerning the will and the other papers found in the satchels. Mrs. Cook said that the satchels had been left at her house this fall by an elderly woman whom she believed to have been Miss Virginia Wardlaw and that because of the fictoriety involved in yielding them to the police she had hitherto hesitated to become involved in the publicity atmother element in the publicity at-ingular surrounding the latter years and the eath of Mrs. Ocey Snead was uncovered esterday morning, when it was learned hat the records of the Surrogate's Court that the records of the Surrogate's Court in this city contained papers authorizing a disposition of her inheritance during her years of minority. One record showed that on January 29, 1901, Caroline B. W.

Martin, was appointed guardian for her "infant daughter" and another was the authorization by Surrogate Thomas by which Mrs. Martin was empowered to spend \$500 of the principal of her daughter's estate for the support, education and maintenance of the girl.

In her petition for the permission to spend this sum Mrs. Martin set forth that her daughter was then—in 1904—18 years of age and that she was "fitting herself to be a teacher" in Soule College.

that her daughter was then—in 1904—18 years of age and that she was "fitting herself to be a teacher" in Soule College, Murfreesboro. The deponent further stated that she did not have funds to meet that year's expenses for the support of her daughter, which amounted to \$530. In this petition Ocey Martin joined by separate afficiavit in which she stated that she had read her mother's petition, that the facts therein were true and that she desired the court to authorize her mother to spend \$500 of her principal. The records show that in 1904 Ocey Martin was possessed of an estate valued at \$1,800 and that in March of that year this value was reduced to \$1,100.

William Doscher of 249 West Fortyeighth street, Manhattan, went to Orange yesterday and saw the body of Mrs. Snead. He said that about ten years ago, when Mrs. Snead was Ocey Martin and was 14 or 15 years old her mother and was 14 or 15 years

was Ocey Martin and was 14 or 15 years old, her mother and she had rooms in his house for seven or eight months. He understood that Mrs. Martin taught in a public school in West Forty- seventh street.

Doscher said he was sure that the body Doscher said he was sure that the body in the morgue was that of the woman whom he knew in her girlhood as Martin. "Ten years ago," said Doscher. "Mrs. Martin came to us and rented rooms. The daughter, at that time 13 or 14 years old, was unusually attractive. We became greatly attached to her. Mrs. Martin was frequently cruel to the child, who would come running to my wife and fling her arms around her neck and sob.

"My wife tried many times to learn what troubled the child, but she would never tell her and we did not discover the nature of the fear she had for her "After they had stayed there

months without paying us a cent of rent we were forced to begin proceedings to evict them and after a time we suc-ceeded. I did not know that there were other members of the family living, but after they had gone a woman who looked something like Mrs. Martin and said she

the effects left there by the mother and daughter.

"I observed while they were with us that Mrs. Martin seemed to have good standing with prominent people, or at least people who appeared to be of some consequence. She had many callers from among folks of what you would call the

upper classes.

"The stories I have read in the paper about he queer ways of the family agree perfectly with our experience of the mother and child at our house. They were untidy and their rooms were always in the utmost disorder."

mother and child at our house. They were untidy and their rooms were always in the utmost disorder."

Doscher did not apply at the county jail for permission to see Miss Wardlaw. It was learned in Jersey City yesterday that the marriage of Mrs. Ocey Snead to Fletcher W. Snead was performed by the Rev. Edmund F. Crowen at the City Hall, Jersey City, on January 13, 1908. Mr. Crowen is chief clerk in the office of Chief Engineer Charles A. Van Keuren. The couple were unaccompanied, and Oliver H. Strigham, a city engineer, and Miss Josephine K. Daly, the chief engineer's stenographer, were pressed into service as witnesses.

The records in the office of the Jersey City Board of Health show that Snead described himself as 32 years old, with no occupation, living at 123 Grand street, Jersey City. This address (formerly the Hotel Washington) was given to evade the New Jersey marriage laws, which require, when no license is obtained, that at least one-of the contracting parties shall be a resident of the State. Snead's father was F. T. Snead, and his mother's maiden name was M. L. Wardlaw. It was Snead's second marriage. The bride described herself as Miss Ocey W. Martin, 22 years old, of 19 East Eleventh street, New York city. Her father, she said, was R. M. Martin and her mother's maiden name was C. B. Wardlaw. A man who, it is believed, represents an insurance company made a copy of the record yesterday.

Mrs Evelyn Cook of 250 Martense avenue, Brooklyn, who used to keep a delicatessan store at Rogers and Canarsie avenues, handed over to the Brooklyn police yesterday two hand satchels, and a suit case which she says one of the Wardlaw women left in her store early last fall. She doesn't know which one it was, but she thinks it was the missing Mrs. Martin. The police found a lot of legal papers which seemingly had to do with litigation which seemingly had to do with litigation between the country to the country to

The police found a lot of legal papers which seemingly had to do with litigation over land in the South, about 100 photographic films and four pictures of men. The police say that one of the pictures may be that of Snead. They handed all the stuff over to the East Orange authorities.

SAYS SNEAD IS SURELY DEAD.

Virginia Judge Gives Circumstance His Suicide in That State.

RICHMOND, Va., Dec. 7.—Judge A. A. Phlegar of Bristol said to-night that Mrs. Ocey Snead's husband, John Snead, committed suicide at Christiansburg by burning himself to death by the use of kerosene oil after first having made an attempt to end his life by drowning.

kerosene oil after first having made an attempt to end his life by drowning. He says that there was positively no suspicion of foul play in connection with the death of Snead. Judge Phlegar is acquainted with the persons connected with the Snead case and he says there is nothing in their life as he knows it that would lead him to believe that their conduct led to the death of John Snead. Hunter J. Phlegar, said to have written a letter to Mrs. Martin, the mother of the dead woman, is a son of Judge Phlegar. He is said to have had no relation whatever with the Wardlaws, but represented Mrs. Martin as counsel in connection with properties owned by her at Christiansburg, among them being the Montgomery Female College, recently sold to Col. Sidney Sheltman. His intercepted letter addressed to Mrs. Martin was probably in connection with some Virginia business transaction in which she was interested. The report that Gov. and Mrs. Swanson are friends of the Wardlaws is probably erroneous, but no definite information on this point can be secured, the Governor being out of the city. The intercepted letter of the Governor appears to have been in line with many of the other letters secured in the same way and opened by the Jersey officials. It would have been nothing unusual for him to have been invited to the Montgomery Female College, higher education in Virginia being one of the planks in the platform upon which he was elected.

THE WARDLAWS OF THE SOUTH. They Were Prominent as Educators in

Mississippi and Elsewhere. MEMPHIS, Tenn., Dec. 7 .- Miss Virginia Wardlaw comes from one of the most aristocratic families in Mississippi. Her father, familiarly known as "Dear Old Dr. Wardlaw," was for many years a professor in the State University and Methodist preacher of renown in the South. He was a contemporary and intimate friend of L. Q. C. Lamar, who was at one time a professor in the State

was at one time a professor in the State University at Oxford.

Miss Wardlaw was an educator of wide prominence in this State and in other Southern States. She was educated at the University of Mississippi and she finished her education in the East. For many years she was principal of the Nashville College for Young Ladies, now non-existent, but at that time the foremost college for young women in the South.

South.

Leaving Nashville Miss Wardlaw and her sister. Mrs. Snead. bought Soule College. Murfreesboro, Tenn., and conducted it for many years. Both were prominent in church work, Miss Wardlaw being regarded as a woman of unusual brilliancy, but inclined to be erratic. This was attributed by her friends to her nervous temperament and the fact that she was single.

CITY WON'T SELL UP TRACTIONS. But Settle With the Receivers, Says Met

After Injunction Hearing. *Comptroller Metz said yesterday that he sale advertised for to-morrow of the Metropolitan Street Railway Company and the subsidiary lines formerly conrolled by it because of unpaid taxes dating pack ten years will be postponed and may never be held.

His decision followed argument before upreme Court Justice MacLean yesterday on a motion for a permanent injunction The Comptroller said that the question of the unpaid taxes will be taken up diectly with the receivers of the various ines and that a settlement would probably be made.

On the argument Julien T. Davies appeared as counsel for the Guaranty Trust Company, trustee of the Metropolitan mortgage, and George W. Linch, receiver mortgage, and George W. Linch, receiver of the Second Avenue line. William F. Sheehan also appeared for the motion. The city purposes to sell tax liens on the combined roads amounting to \$10,000,000, but counsel for the plaintiffs declared that the tax assessments are invalid and erroneous and have never been determined by a final court review.

Counsel declared that the street railway companies have already paid in to the city.

companies have a ready paid in to the city in excess taxes for which they have not had credit more than the city claims is due and that anyhow they didn't have legal notice of the intended sale.

Assistant Corporation Counse! Curtis A. Peters said that the railroads have been feeting the newspect of their terms for fighting the payment of their taxes for, ten years at intervals, in which time thay had paid big dividends and that they are not entitled to aid in equity now to prevent a tax sale.

they are not entitled to and in equity now to prevent a tax sale.

Third Avenue stockholders, who have before the court a motion of their own for an injunction, say that the advertised sale was brought about by the action of certain financial interests who want to have the sale now or early next war certain financial interests who want to have the sale now or early next year before the incoming city officials have fime to take the proper steps to protect the city. These plaintiffs are Charles E. Goodhue and Josephine Wood Colby, and they say that the sale would result in purchase by private interests for much less than the amount due, to the loss of the city and the stackholders. ess than the amount due, to the

TO REORGANIZE POWER CO. McCall's Ferry Concern Passes Into the

LANCASTER, Pa., Dec. 7 .- Henry Brown of New York, special master of the United States Court, sold the plant of the McCall's Ferry Power Company, and all rights appertaining to it, here to-day for

It was bought by William M. Barnum acting for the committee which represent ward Aldred was the receiver for the

company.

The plant is 80 per cent. finished and can be completed within one year. Its capacity is 100,000 horse-power, and it is designed to furnish electric power to Baltimore. Philadelphia and intervening points. The deal was engineered by Charles P. Bailey, president of the Knickerbocker Trust Company.

The court proceedings here were instituted by the Knickerbocker Trust Company of New York city. The company advanced between \$9,000,000 and \$10,000,000 on the bonds of the company, which enabled the construction work to go on. When the 1907 smash came and the Knickerbocker was forced to close, the money that kept the McCall's corporation going failed.

With the readjustment of the Knicker to get the power company under wa again, and the foreclosure suit wa

TITLE IN ELEVENTH AVENUE City Says It Owns Property New York Central Holds.

At a hearing yesterday before D-Cady Herrick, referee in the suit brought against the city by the New York Central Railroad to enjoin the removal of its tracks from Eleventh avenue, evidence was offered that since 1854 there have been killed on the tracks, exclusive of employees, 436 persons, and that 1173 have been injured. Besides these 112 emoyees have been killed and 401 injur Assistant Corporation Counsel Burr for

the city contended that the tracks were

the city contended that the tracks were not only a nuisance but were a menace to public safety, that the company was illegally cocupying the avenue, that the franchise under which it is operating the tracks was improperly granted and that property which the company claims really belongs to the city.

He said that in 1826 the city took title from the State to all land under water, 400 feet into the river, between the Battery and Spuyten Duyvil, and he submitted maps which showed that in 1837 the high water mark extended to a point far east of the present Eleventh avenue. Counsel for the company objected to the introduction of this evidence, but he was overruled. Another hearing will be held on December 13.

MAKING TRAVEL SAFER. That's the Present Job of the Railroads Burlington's President Says.

George B. Harris, president of the Chicago, Burlington and Quincy Railroad, has arrived at the Plaza with glowing reports of business out his way. Mr. Harris says the farmers are all prospering and everybody is coming in for a share of the good things.
"We are finishing a little extension of

forty odd miles down to Metropolis," said Mr. Harris, "but that is all the building we are doing at present. We are improving our service and trying to make the railroad better and safer. In fact everybody in the railroad business is trying to do what he can to make travel

safer.
"Is your road much affected by the strike of the switchmen?" "All the roads out there are affected,"
Mr. Harris replied: "At the same time
I notice by the papers that the railroads
are taking all kinds of freight. I am hoping that things will come out all right

40-YEA R-OLD CASE ENDS. U. S. Court Dismisses Suit Brought to Collect Interest on Bonds.

Sr. Louis, Dec. 7 .- The motion to dismiss for want of jurisdiction, brought by the defendants in the suit of Arthur C. Huidekoper, a Philadelphia capitalist to compel the Missouri State and Macon to compel the Missouri State and Macon county, Missouri, Boards of Equalization to assess Macon county property at its cash value in order to make possible the payment of interest on the disputed railroad bonds held by Huidekoper, was dismissed in the Federal Circuit Court of Appeals here to-day.

The case has been in litigation more than forty years. than forty years.

Receiver for State Road Contractors. Justice Seabury of the Supreme Court has appointed John J. Murphy receiver for the assets of the firm of Creeden & Clancy, contractors, in a suit brought by John F. Clancy against John F. Creeden to protect the assets. It was stated that to protect the assets. It was stated that Mr. Clancy had not seen Mr. Creeden for some time past and could not locate him. They had been at work on a State road contract, No. 747, which was taken in the name of Mr. Creeden in November, 1908, and it is alleged that Creeden assigned the money due on the contract to the Delaware National Bank of Delhi without Clancy's consent. There is \$15,000 due from the State. Mr. Creeden is said to be a son of former Police Captain Creeden.

CAN'T RUN THE CORPORATIONS

COURT OF APPEALS CONSTRUES P. S. COMMISSION POWER.

Judgment of Commission Not Superla as to Management—Decision on the Delaware and Hudson Overruled.

ALBANY, Dec. 7.-A decision struing the public service commis-sions law was handed down to-day by the Court of Appeals. The cour olds that the Legislature did not intend to make the commission the financial manager of corporations or empower to substitute its judgment and dis for that of the directors and stockholder of a corporation as to the wisdom of a transaction; that a statute that should make such substitution would probably be unconstitutional, for the ownership of property carries with it the right of oc

cupancy and management.

The up-State Public Service Com mission on Dec. 7, 1908, refused assent to the issue by the Delaware & Hudso Company of bonds to pay indebtedne incurred by the purchase of the securities of the Hudson Valley Railway Com pany amounting to \$4,065,295.85, and a part of the indebtedness incurred in the purchase of undeveloped coal lands Pennsylvania amounting to \$2,500,000. The properties were not included

the mortgage upon the Delaware and Hudson property under which it was proposed to issue these bonds The property was acquired prior to commission coming into existence. An appeal was taken by the Delaware & Hudson Company and on Sept. 30 the Appellate Division of the Third Depart ment annulled and set aside on certiorar the order of the commission which re-fused assent to the bonds in question. The Court of Appeals in its opinion

holds that the paramount purpose of the public service law creating the commission was the protection and enforce-ment of the rights of the public in that he commission must simply see to it that the railroad corporations maintain their equipment, tracks and roadbeds in good order and operate their railroads with safety to the public and give proper service, and that they should also prevent fraud on the public by the manipulation of the stock market through the overlssue of stock and bonds

The decision says: We understand that the paramount pur pose of the enactment of the public service commissions law was the protection and enforcement of the rights of the public. Public service corporations have been granted valuable franchises to enable then to serve the public and they are deemed to have undertaken to render to the public the service for which they were incorporated upon receiving a proper and reasonable ompensation therefor

For a generation or more the public has been frequently imposed upon by the issue of stocks and bonds of public service corpo of stocks and bonds of public service corporations for improper purposes, without actual consideration therefor, by company officers seeking to enrich themselves at the expense of innocent and confiding investors. One of the legislative purposes in the enactment of this statute was to correct this evil by enabling the commission to prevent the issue of such stock and bonds if upon an investigation of the facts it is found that nvestigation of the facts it is found that they were not for the purposes of the corpo-ration enumerated by the statute and reasonably required therefor.

We do not think the legislation alluded to was designed to make the commissioner the financial managers of the corporation or that it empowered them to substitute their independ for the their judgment for that of the board of directors or stockholders of the corpora tion as to the wisdom of a transaction, but that it was designed to make the commis-sioners the guardians of the public by enabling them to prevent the issue of stock and bonds for other than the statuto

In regard to the notes issued for the pur pose of acquiring the stock and securities of the Hudson Valley Railway Company, to the amount or their validity. The learned commission, however, reaches the conclusion that notwithstanding the fact that the transaction was lawful and that the notes were the valid obligations of the corporation the purchase of the Hudson Valley securities was an unfortunate one for the company; that it paid for the securifor the company; that it paid for the securi-ties more than they were worth, and that the property so acquired has not been in-cluded in the mortgage. They consequently withheld their consent to the issuing of the bonds, but suggested that a mortgage might be executed by the United Traction Company (owned by the D. and H.), the presen owner of the Hudson Valley Rallway Company, upon the property acquired from that company for the retirement of such

obligations.

This, we think, would be substituting the judgment and discretion of the commissioners for that of the directors and stockholders of the corporation. If such was the purpose and intent of the statute a doubt might arise with reference to obligations. its constitutionality, for ordinarily the ownership of property carries with it the right of occupancy and management, and should a statute deprive the owner of the right to manage it would, under ordiright to manage it would, under ordi-nary circumstances, undermine his right to protect and make his property remuner-ative. 'Lord vs. Equitable Life Ass. Soc., 194 N. Y., 212.1

194 N. Y., 212.) It appears from the finding of the Commissioners, as stated in their opinion, that the Hudson Valley Railway Company's properties are of uncertain value and that the purchase of the stock and securities of the company by the relator was unwise and should not have been made. Assuming that the purchase was unfortunate and that the company has lost heavily thereby, still the company has lost neavily thereby, still the Commissioners concede that it was made at a time when no consent of the Railroad Commissioners or of the Public Service Commission was required, and that, therefore, the purchase was legal and one whi the company had the right to make.

But if the property so acquired is of un-certain value and the road is unable to pay running expenses it might well be good judgment on the part of the Delaware and Hudson Company not to attempt to relieve itself from the burden of paying the notes by an attempt to issue mortgage bonds based on the security which that property affords.

The notes which the company had issue The notes which the company had issued bear interest at a high rate. They were given for the acquisition of property, which is one of the four purposes designated by the statute for which bonds may be authorized to issue. Having been given for the acquiring of the property of another railroad they are properly classified as capital and therefore brought within the appreciations of the statute water. express provisions of the statute under which the application was made. While as we have stated, the ownership of property ordinarily carries with it the right of management, the duty devolves up management, the duty devolves upon the owner to so manage as not to have it be-come a nuisance or unnecessarily infringe

come a nuisance or unnecessarily infringe upon the rights of others.

It was therefore evidently the legislative intent in the enactment of this provision that the Commissioners should have supervision over the issuing of long termbonds to the extent of determining whether they were issued under and in conformity with the provisions of the statute for the purposes mentioned therein; whether they were issued for the discharge of the actual and not the fictitious debts of the company or whether they were issued for the re-funding of its actual obligations and not for the inflation of its stock or bands.

Beyond this it appears to us that the power of the Commissioners does not

extend, unless it may pertain to the powe to determine whether an obligation should be classified as operating expenses and as to whether such expenses should be paid by obligations running beyond a year. We therefore conclude that as to the Hudson Valley securities, so called, the application should have been granted.

The notes issued by the Delaware and Hudson Company in payment for the pur-chase of coal lands are also conceded to be valid obligations of the company. They were given for the acquisition of property They are one year notes, bearing the high rate of interest and are obligations which it is desirable should be either paid o secured on long term bonds of low rate of interest. These lands have been purchased for future mining operations, be resorted to after the coal in the preser mines of the company becomes exhausted. The lands so acquired or the amount paid

The Commissioners appear to have have been mortgaged for the purpose of paying the obligation. In that respect their judgment differs from that of the directors of the corporation.

These lands at present are inaccessib

for mining purposes. In order to make them available a railroad forty or fifty miles in length will have to be constructed.

It is estimated, as we have seen, that these lands will produce 400,000,000 tons of coal, but this is an estimate only.

Bonds issued upon such securities are

not always as easily marketable as those upon well known railroads earning annually a large surplus. However that may be we are of the opinion that the question presented is the same in this case as that which was presented with reference to the Hudson Valley securities, and that the application of the company should have

UP IN AROOSTOOK COUNTY. Go Up and Raise Potatoes and Get Rich

-Great Place Says Mr. Cram. To make money go up to Aroosto county. Maine, and plant potatoes. That is what F. W. Cram, president of the Bangor and Aroostook County Railroad, says, and Mr. Cram has been acquainted with the country for more than fifty years. Mr. Cram is not in the potato business, but he has made a railroad grow up there. The Bangor and Aroosto which is independent of any other sys-tem, is now aiming at the 600 mile mark. and eighty-seven miles are being built this year.

seen at the Holland House last night that down here in New York it is appre ciated generally that we have one county in Maine into which you could almost drop the whole State of Massachusett for Aroostook county has an area of 6,800 square miles. It is the extreme northeastern corner of the United State The population does not grow quite as fast as in some other places, but it has increased from between 3,000 and 4,000 in 1830 to 99,000 to-day. Our road runs northeasterly in that direction, but we have two spurs, with sub-spurs that go due north.

"Aroostook county is remarkable for the prodigious quantity of potatoes raised. There are about eighty starch factories there and these use a great many. A normal yield of potatoes in the county ought to be about 25,000,000 bushels. There is a great demand for Aroostook potatoes all the way to the Gulf of Mexico, principally for seed. "Forty years ago I should say that Aroostook county had not more than 40,000 bushels of potatoes in a year to ship. Even now, not more than 10 per cent. of the good farming land is under cultivation.

"We have some Swedish colonies "We have some Swedish colonies in the northeastern part of the country, and these are increasing in number and population. We have our own New Sweden, Jemtland. Stockholm and West Manland. The cold is severe, but of a dry sort, for much of the land has an altitude of from 500 to 800 feet. The snow comes early. The heat in summer seems to be all that is needed for bringing on hardy crops. They are adding to the wheat acreage, and there are several roller mills in the country."

HOEHN TRIES IN NEW JERSEY

New York Through Son TRENTON, Dec. 7 .- Charles Otto Ho of West Hoboken, who was fined \$50 for fraudulently procuring a Regents' cer-tificate in New York, appeared before the State Board of Dentistry to-day asking to be allowed to take the examination for a dentist's license in this State. Henry J. Melosh of Jersey City accompanied him as counsel.

Telling his story of the New York incident Hoehn said that about two years ago in answer to an advertiseme met Max Sosinski, then known as Stone who represented himself as a Governmen inspector and claimed to be the poss of a rapid coaching system for gents' examinations. Sosinski repre-sented that the Regents would issue a certificate upon his recommen and he offered to procure one for Hoehn for \$300. He described his method as perfectly safe and said he had procured scores of certificates without difficulty. Hoehn closed the contract. Sosinski impersonated him in the Regents' examination and the certificate was issued

impersonated him in the Regents' examination and the certificate was issued in due course.

The fraud was discovered last spring, when Hoehn pleaded guilty and was fined. Hoehn at first told the dental board that he did not know that Sosinski's proposition involved wrongdoing, but upon cross-examination by Joseph Stryker of the Attorney-General's office he admitted that he did know that illegal methods were to be resorted to, though he denied authorizing Sosinski to impersonate him before the Regents.

He pleaded in extenuation that he had then become so deeply involved that he feared to go back on his agreement with Sosinski. He claimed that the Regents had condoned his offence and had permitted him to take the New York examination last September. He said that he had been a student in a dental college in New York for two years.

The board reserved decision upon the application for leave to take the New Jersey examinations.

Jersey examinations.

DIES IN DOCTOR'S PLACE. Mrs. Oliva, Strick en on Street, Was Widow of Wine Merchant Here.

Mrs. Marie R. Oliva, widow of Richard Oliva, for some years a wine merchant in this city, became ill on the street at West End avenue and Seventy-first street yesterday afternoon and died as she was being helped into the office of Dr. William S. Thomas at 240 West Seventy-first street.

Dr. William S. Thomas at 240 West Seventyfirst street.

Mrs. Oliva was 60 years old. Since
the death of her husband some years
ago, she supported herself by teaching
French. She went about to her pupils
houses.

Mrs. Oliva had been living at 510 West
124th street, where she had a furnished
room with Mrs. Mayer Schloss. Mrs.
Oliva was born in France and spent much
of her life in England. Her husband
owned a number of fine pictures and
these her friends understand, have not
been sold but are now in some storage
warehouse.

warehouse.

Mrs. Schloss went out last night in search of some of Mrs. Oliva's a equaint-

Wilcox-Wells.

WASHINGTON, Dec. 7.—Miss Laura Clif-ford Wells, a daughter of Mrs. Henry Wells. was married this afterneon to Lieut, Julian P. Wilcox, U. S. M. C., by the Rev. Wallace Radeliffe at the New York Avenue Presby-berian Church.

TO FIGHT FOR POSTAL SAVINGS. Insurgents Plan to Swat Aldrich and

Cannon-For Taft's Policy. Washington, Dec. 7.-The Republican insurgents of the House of Representatives have evolved a plan by which the hope to put through a bill at the present session of Congress creating a postal savings bank and at the same time routing the leadership of Nelson W. Aldrick of Rhode Island and Joseph G. Cannon of

In laying their plans to oppose the sponsible leadership in the House and Senate the insurgents have selected one of the measures whose passage at this annual message of President Taft. Senator Aldrich and other member

of the Monetary Commission have inti mated that it would be wise to delay the inated that it would be wise to delay the postal savings bank plan until the report of the commission is filed with Congress. Speaker Cannon is also opposed to passing a postal savings bank bill at present.

President Taft holds that there is no reason for delay in passing such a measure. To his mind it has little if any relation to the report of the Monetary Commission.

"I do not see," he said in his message, "why the one should be tied up with the other."

why the one should be tied up with the other."

The insurgents agree with the Pres The insurgents agree with the President and for that reason they intend to beat the tomtoms for s postal savings bank. They argue that the President favors such an institution and the Republican party is committed to it and they are pleased to note that just at this time Mr. Aldrich and Mr. Cannon are out of tune with the head of this Administration and the platform of 1908 on this proposition.

The insurgents will have a roundup on Saturday night. They will discuss at length ways and means to force the postal savings bank to a passage. They are not oblivious of the humor of the situation.

Representative Victor Murdock of Kansas will lead the fight for the passage of a postal savings bank. He is a member of the House Committee on Post Offices and Post Roads, which has jurisdiction over the subject. Mr. Murdock is redheaded and possesses a combative disposition. He has been fighting the House leadership for many years, but now thinks that he has it where he wants ntative Victor Murdock of

At the roundup on Saturday the insurgents are expected to appear in force.
The battle will not be begun at once.
It will be planned carefully and the opening gun will not be fired until after the
holidays. The prediction is made that
when the insurgents get going in January
there will be a good deal doing in Washington.

ADJOURNED UNTIL FRIDAY. Congress Hears the Message Takes Two Days Off.

WASHINGTON, Dec. 7.-The Se in session to-day from noon until about 2:30 P. M. In that time the President's message was received and read and a large number of memorials, resolutions and bills submitted. Nearly 1,200 nominations were sent to the Senate, practically all of which have heretofore been annument

Senator Lodge of Massachus

all of which have heretofore been announced.

Senator Lodge of Massachusetts introduced a resolution requesting the President to send to the Senate information as to what steps had been taken by the Government under the existing treaty to suppress the international traffic in "white slaves."

Bills to establish postal savings banks were introduced by Senator Burkett of Nebraska and Senator Borah of Idaho.

Senator Bailey of Texas introduced a resolution to make the hour for the daily meeting of the Senate 2 o'clook in the afternoon instead of 12 o'clook noon.

On motion of Senator Hale of Maine the Senate adjourned until Friday.

The House was in session about two hours. Prior to the reading of the President's annual message a number of bills were passed by unanimous consent. The members were supplied with oppies of the message and few of them remained

FOR BUGHER FOR SURVEYOR.

W. Harnes, Jr., for Deputy Police Com Washington, Dec. 7.—President Taft is giving consideration to selecting a successor to Gen. J. S. Clarkson as United States Surveyor of Customs for the port of New York. William Barnes, Jr., of Albany, chairman of the executive committee of the New York Republican State committee, was here yesterday and today. It is understood that he urged upon President Taft that Deputy Police Commissioner Bugher of New York city be named for the prospective vacancy.

Senator Root has discussed the case with President Taft, and while it was said that Mr. Root had not urged the appointment of any particular person he is known to be friendly to Mr. Bugher.

Mr. Root thinks that Mr. Bugher has made an excellent record as a Deputy Police Commissioner, and that generally he is well qualified for any public office.

A question has arisen, however, as to Mr. Bugher's politics. It is said that his affiliations have been with the Democratic party, and there is a disposition on the part of New York Republicans to question the wisdom of his appointment on that ground. It is admitted that the matter of his politics has not been cleared sufficiently to justify opposition to him for political reasons. is giving consideration to selecting a suc-

Preventorium Agent Arrested.

Justice of the Peace John J. Cowan of Lakewood, N. J., issued a warrant yesterday on his own complaint for the arrest of Lawyer Max T. Rosenberg of Jersey City, the New Jersey agent of the corporation conducting the preventorium at Lakewood, charging him with bring-ing ninety-two dependent children into the State without the permission of the the State without the permission of the State Commissioner of Charities. He took the warrant to Jersey City, where he had it indorsed by Justice of the Peace Alfred Sorenson. Rosenberg was arraigned before Sorenson and held in \$500 bail to appear for examination at Toms River, Ocean county, on December 14. Former Representative Marshall Van Winkle became his bondsman.

Judge Cowan said that many influential people of Lakewood were backing him in the action he had taken against the preventorium.

Brench:-

572 Fifth Avenue

opp. Windsor Arcade

H. CLAY PIERCE GOES FREE

COURT HOLDS THAT HE IS IM-MUNE FROM PROSECUTION.

Evidence Given in a Civil Suit in Missouri. Compulsorily Get, Cannot Be Und in Criminal Case in Texas-Judge Orders Not Gullty Verdict by Jury.

AUSTIN, Tex., Dec. 7 .- The trial of H Clay Pierce, head of the Waters-Pierce Oil Company, charged with perjury and false swearing, came to a sudden end this morning when Judge George Cal-houn rendered a decision to the effect that Mr. Pierce was immune from prosecution on the charges against him. The Court instructed the jury to brine a verdict of acquittal, which was done Judge Calboun's ruling was in part as

"The facts in the case show that September 10, 1906, the testimony of the defendant was taken by a Commissioner of the Supreme Court of Mis which he testified to certain facts in a case in which the Waters-Pierce company was one of the defendants. The Court understands that under a statute of that State he was granted immunity after State he was granted immunity after the Supreme Court held that his testimony could be obtained compulsorily.

"Now, in this question, section 7 of the Missouri statute grants immunity from procedution for a witness so testifying.

"The records of the court, while not offered in evidence, shows that an indictment was returned against the defendant in 1906 on the affidavit now in evidence. While not certainly indicated, it was generally known in the anti-trust proceedings,

not certainly indicated, it was generally known in the anti-trust proceedings and when the State proposed and actually took the defendants deposition it virtually meant an offer of immunity. As to the question whether he actually gave testimony, raised by the State, the record shows that he appeared before a commissioner, was sworn and as tell certain questions, in the same manner as would have been used if he had given evidence under the statute of immunity I believe that by making this affidavihe facilitated in obtaining judgment.

"Therefore, I believe, under the spirit of the law, that the defendant's ples for immunity is well taken and in a spirit of justice and fairness, giving the defendant the benefit of the doubt, will so hold."

Pierce's countenance showed that a

fendant the benefit of the doubt, will so hold."

Pierce's countenance showed that a great load had been removed from his mind when the court gave its verdict. During the afternoon and evening he received several hundred telegrams of congratulation from people in all parts of the country. He will leave to-morrow for St. Louis and New York.

Dallas, Tex., Dec. 7.—H. Clay Pierce is again in possession of the Waters-Pierce Oil Company. His personal friend, S. W. Fordyce of St. Louis bid the property in this afternoon. Pierce will have a reorganization of the property and continue to do business in the old field that has cost him so heavily.

Mr. Fordyce bid \$1,431,740 for the Waters-Pierce property.

John Sealey of Galveston, Tex., bought the property of the Security Oil Company for \$85,000, the property of the Navarro Refining Company of Corsicana for \$75,000, and sixty-five cars of the Union Tank Line Company for \$40,000. Mr. Sealeys is believed to represent the original owners, closely identified with the Standard Oil Company interests.

Oil Company interests

SANCHO PANZA ARRESTED. a Matter of Fact His Name Is Just

ended from a bus at Bro way and Seventy-second street yesterday afternoon and started a little guitar concert. The musical instrument he had attached to a broad pink ribbon that went about his neck. He wore a white feit hat with a plume and a long yellow coat, beneath which peeped out on oas foot a slipper, on the other a huge brogan. A policeman took him in before he got far with his singing and playing.

The man clung to his guitar and continued to sing and to play even on the bridge in the West Side police court. Magistrate O'Connor wanted to know what it was all about.

"I am Sancho Panza, squire to the illustrious Don Quixote," said the man sweeping the guitar strings and chanting: "Si & tu ventana llega una paloma," unconcert. The musical instrument he had

sweeping the guitar strings and chanting:
"Si a tu ventana llega una paloma," unmindful of the fact that the tune was
Mexican and he was a Manchego. "I'm
a soldier and governor of the armies of
New York, Europe, Asis, Africa, Australia and the United States," he also
said, after the harmony had passed.
"You've been drinking," diagnosed
the Magistrate.
Sancho bowed in the Castilian manner.
He couldn't pay the \$5 fine the Magistrate imposed. The police say he isn'
Sancho Panza at all. He is William
Witherspoon of 10 Lawrence street.

WARRINER GETS A STAY Will Have 80 Days to Close Up Business

Affairs-May Plead Gutty. CINCINNATI, Dec. 7 .- Charles L. Warriner, defaulting treasurer of the Big Four Railroad, is preparing to enter the Columbus penitentiary as a prisoner. Attorney J. E. Robinson for Warriner to-day requested the Court to allow him thirty days to "put his house in order." Prosecutor Hunt was about to ask the Court to set the case for trial some day next week, but agreed to the granting of Warriner's

but agreed to the granting of Warriner's request.
Warriner has converted his cell into an office, where he is closing up all his business affairs.
Warriner's request for a postponement of his trial strengthens the belief that he will plead guilty and throw himself on the mercy of the Court. Prosecutor Huntsays that there is no such agreement between himself and Warriner's attorneys. Miss Ida Brockway, who is reported to have first tipped the Big Four shortsged disappeared again yesterday after a conference with the County Prosecutor. It is reported to-day that the Grand Jury will consider some sensational evidence on Friday.

Wrights Here for Aero Company Meeting. Wilbur and Orville Wright arrived in town last night from Dayton. They are here to attend a meeting to-day of the directors of the new \$1,000,000 Wright Aeroplane Company. The meeting, Wil-bur Wright said, probably will be held in the office of De Lancey Nicoli.

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